

NATIONAL HEADQUARTERS  
CIVIL AIR PATROL  
500 FIFTH AVENUE  
NEW YORK 18, N.Y.

GM-115

29 February 1944

SUBJECT: Status of Members of Civil Air Patrol.

TO: CAP Unit Commanders.

1. Numerous inquiries have been received from CAP members, particularly those who have been assigned to active duty, as to the exact nature of their relationship to the Federal Government.

2. For the information of the membership, your attention is called to an opinion rendered by The Judge Advocate General (SPJGA 1943/15531) to the effect that members of Civil Air Patrol are civilian volunteers and not employees of the Federal Government, and that their status as civilian volunteers does not change while they are on active duty.

3. Where CAP personnel are performing active duty operations for the War Department at various CAP or Army Bases, the Judge Advocate General has expressed the opinion that they "are accompanying or serving with the Army of the United States in the field and that under the provisions of Article of War 2 (d) they are amenable to military discipline and subject to the jurisdiction of military courts" (see SPJGW 373.1). Further, it has been held that personnel on such active duty assignments have the status of non-combatant volunteers, and in view of the uniform worn by them, the oath which they take, and the manner in which their operations are conducted, they may be classed as "lawful belligerents" and entitled by the Annex to Hague Convention No. IV, dated 18 October 1907, to be treated as prisoners of war in the event of their capture by the enemy (JAG 383.6).

By direction of National Commander JOHNSON:

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